

M-08-189

LF:GMC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF VERMONT

ROBERT SASSO,

(Fed. R. Crim. P. 5)

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

BUD SPELLMAN, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshal's Service ("USMS"), duly appointed according to law and acting as such.

Upon information and belief, on October 1, 2007, an arrest warrant was issued by the United States District Court for the District of Vermont, commanding the arrest of the defendant ROBERT SASSO, pursuant to a Petition for Warrant or Summons for Offender Under Supervision charging him violating conditions of his Supervised Release, pursuant to Title 18, United States Code, Section 3583.

The source of your deponent's information and the grounds for his belief are as follows:

1. On or about July 14, 2005, the defendant ROBERT SASSO was sentenced by United States District Court Judge William Session III to time served, followed by two years of Supervised Release for violations of Title 18, United States Code, Sections

1001 (False Statements). The defendant later violated the terms of his supervised release and on September 14, 2006, the Hon. William Session III sentenced ROBERT SASSO to an additional period of supervised release for one year commencing on that date.

2. On or about August 7, 2007, the defendant ROBERT SASSO was arrested by officers of the New York City Police Department ("NYPD") charging him with Assault in the First Degree, Assault in the Second Degree, Criminal Possession of a Weapon in the Fourth Degree, Intimidating a Victim or a Witness in the Third Degree, and two counts of Aggravated Harassment in the Second Degree in Queens County District Court.

3. On or about August 9, 2007 the defendant was brought to Queens County, New York on these charges and lodged at the Rikers Island, Queens, New York.

4. On or about October 1, 2007, the United States Probation Department of the United States District Court for the District of Vermont petitioned for a warrant for the arrest of the defendant ROBERT SASSO charging violations of the terms of his Supervised Release in that District. Specifically, the Petition for Warrant or Summons for Offender Under Supervision (the "Petition") charged that the defendant violated the following conditions of his release: (a) he not possess a firearm or other dangerous instrument; (b) he participate in an approved program for substance abuse which may include testing to determine whether the defendant has reverted to the use of drugs

or alcohol; (c) that he open any lines of credit until the financial obligation is paid in full; (d) that he permit the probation officer access to any financial information; (e) that he cooperate in the collection of DNA; and (f) that he participate in any mental health treatment or substance abuse program in accordance with the evaluation that is to be performed prior to his release from the custody of the Federal Bureau of Prisons.

5. The Petition asserted that the defendant ROBERT SASSO violated the above-referenced conditions through conduct connected with his Queens County charges described above, specifically that he committed another crime as evidenced by arrest and charge in Queens County and that he possessed a dangerous weapon as evidenced by arrest and charge in Queens County.

6. On October 1, 2007, Judge Session, United States District Judge for the District of Vermont, ordered the issuance of a warrant for the arrest of the defendant ROBERT SASSO finding that there was probable cause to believe that the defendant had violated the terms of his Supervised Release. The Petition, and the Warrant for the defendant's arrest, which was issued on October 1, 2007 by the Deputy Clerk of the United States District of Vermont, are attached hereto.

7. On or about October 2, 2007 a USMS detainer was lodged for the arrest of the defendant, ROBERT SASSO, based on his alleged violation of Supervised Release.

8. On or about February 25, 2007, Deputy Marshals of the USMS, were notified by the New York City Department of Corrections that the defendant, ROBERT SASSO, was due to be released from custody at Rikers Island Correctional Facility. Deputy Marshals of the USMS based in Vermont had provided Deputy Marshals of the USMS based in the Eastern District of New York, including the undersigned, with a photograph of the defendant, ROBERT SASSO, as well as a physical description. The defendant was described as a Hispanic male, with a height of 5 feet 11 inches and weighing approximately 220 pounds. We were also provided with the defendant's date of birth of August 10, 1981 and Social Security number of 068-72-9550.

9. On February 26, 2007, Deputy Marshals of the USMS went to the Rikers Island Correctional Facility to pick up the defendant ROBERT SASSO pursuant to the October 1, 2007, warrant for his arrest, and the October 2, 2007 USMS detainer lodged in connection with that warrant. At that time, the defendant had no holds pending.

10. The individual released from Rikers Island on February 26, 2008 appeared to be the same person depicted in the picture we had been provided of the defendant ROBERT SASSO. Moreover, records of the New York City Department of Corrections regarding the released individual's physical description, date of birth, and Social Security number matched those the USMS had been provided regarding the physical description, date of birth, and Social Security number of the defendant ROBERT SASSO.

Furthermore, fingerprints of the released individual matched the fingerprints of the defendant ROBERT SASSO which were on file with the USMS. In addition, during processing on February 27, 2008, the defendant admitted that he is ROBERT SASSO and that he knew he had a violation pending in Vermont.

WHEREFORE, it is requested that the defendant ROBERT SASSO be removed to the District of Vermont so that he may be dealt with according to law.



BUD SPELLMAN
Deputy United States Marshal
United States Marshal's Service

Sworn to before me this
26th day of February, 2008

TH.
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OM
TE JUDGE
W YORK

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of VERMONT

UNITED STATES OF AMERICA

V.

ROBERT SASSO

WARRANT FOR ARREST

Case Number: 2:04-CR-93-2

2007 OCT -1 P 4:50
U.S. MARSHALS SERVICE
DISTRICT OF VERMONT

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Robert Sasso

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice

charging him or her with (brief description of offense)

*committed another crime as evidenced by arrest and charge in Queens County District Court

*possessed a dangerous weapon as evidenced by arrest and charge in Queens County District Court

in violation of Title _____ United States Code, Section(s) _____

Lisa Wright

Name of Issuing Officer

Lisa Wright
Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

10/1/2007

Date

Burlington, VT

Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

Prob 12
(D/Vt Rev. 12/04)

**UNITED STATES DISTRICT COURT
For The
DISTRICT OF VERMONT**

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2007 OCT -1 PM 12:30

BY CLERK
DEPUTY CLERK

U.S.A. vs. Robert Sasso

Docket No. 2:04-CR-93-02

Petition on Probation and Supervised Release

COMES NOW Louis A. Stazi, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Robert Sasso, who was placed on supervision by the Honorable William K. Session III sitting in the Court at Burlington, on the 14 day of September, 2006, who fixed the period of supervision at one (1) year, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. That he not possess a firearm or other dangerous weapons.
2. That he participate in an approved program for substance abuse which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol.
3. That he open any lines of credit until the financial obligation is paid in full.
4. That he permit the probation officer access to any financial information.
5. That he cooperate in the collection of DNA.
6. That he participate in any mental health treatment or substance abuse programs in accordance with the evaluation that is to be performed prior to his release from the custody of the Federal Bureau of Prisons.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:
(if short insert here; if lengthy write on separate sheet and attach)

1. On or about August 7, 2007, Sasso was arrested and charged with Assault in the First Degree, a violation of New York State Penal Law 120.10-1, as evidenced by Case Number Q07645143 currently pending in Queens County District Court.

On or about August 7, 2007, Sasso was arrested and charged with Assault in the Second Degree, a violation of New York State Penal Law 120.05-1 as evidenced by Case Number Q07645143 currently pending in Queens County District Court.(General condition that he not commit another federal, state, or local crime)

2. On or about August 7, 2007, Sasso was arrested and charged with Criminal Possession of a Weapon in the Fourth Degree, a violation of New York State Penal Law 165.01-1 as evidenced by Case Number Q07645143 currently pending in Queens County District Court.(Special condition #1 and general condition that he not possess a firearm, destructive device, or any other dangerous weapon)

U.S.A. vs. Robert Sasso

Docket No. 2:04-CR-93-02

3. On or about August 7, 2007, Sasso was arrested and charged with Intimidating a Victim or Witness in the Third Degree, a violation of New York State Penal Law 215.15-1 as evidenced by Case Number Q07645154 currently pending in Queens County District Court.

On or about August 7, 2007, Sasso was arrested and charged with Aggravated Harassment in the Second Degree, a violation of New York State Penal Law 240.30-1A as evidenced by Case Number Q07645154 currently pending in Queens County District Court.

On or about August 7, 2007, Sasso was arrested and charged with Aggravated Harassment in the Second Degree, a violation of New York State Penal Law 240.30-1B as evidenced by Case Number Q07645154 currently pending in Queens County District Court.

On or about August 7, 2007, Sasso was arrested and charged with Aggravated Harassment in the Second Degree, a violation of New York State Penal Law 240.30-2 as evidenced by Case Number Q07645154 currently pending in Queens County District Court. (General condition that he not commit another federal, state, or local crime)

PRAYING THAT THE COURT WILL ORDER a warrant to bring Sasso before this Court to show cause why his supervised release should not be revoked.

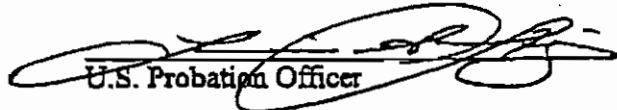
ORDER OF COURT

Considered and ordered this 1 day of Oct, 2007 and ordered filed and made a part of the records in the above case. It is further ordered that this petition be SEALED until execution of the warrant.


U.S. District Court Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 28, 2007


U.S. Probation Officer

Place:

Date: September 28, 2007